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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,255	01/16/2004	Jean-Francois De Bast	21029-00270-US	5693

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EXAMINER

BOES, TERENCE

ART UNIT PAPER NUMBER

3682

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/758,255	<b>Applicant(s)</b> DE BAST ET AL.	
	<b>Examiner</b> Terence Boes	<b>Art Unit</b> 3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☒ Claim(s) 10 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/16/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

2. Claim 1 Line 22, recites the limitation "...generally greater than...". As written this is not clear. Is it or is it not "greater than?" As written, the claim is indefinite.
3. Regarding claim 2, the term "about" in claim 2 is a relative term which renders the claim indefinite. The term "about" is not defined by the claim, the specification does

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not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The quantity 40° is rendered indefinite by the term "about". It is unclear what range "about" encompasses.

4. Regarding claim 3, the phrase "...may reach 25°" is indefinite. The word "may" renders the quantity 25° indefinite. Does it or does it not reach 25°?

5. Regarding claim 4, the phrase "sufficient material" is indefinite. It is unclear as to what quantity constitutes "sufficient".

6. Regarding claim 6, the phrase "kind of" renders the claim indefinite. It is indefinite as to what a "kind of cap" is.

7. Claim 6 recites the limitation "the rest position". There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-4,6,7 are rejected under 35 U.S.C. 102(b) as being anticipated by Lancelot FR2809701.

Regarding claim 1, Lancelot discloses a similar device comprising:

- A rear hoop (12) comprising an attachment bar (12a) situated behind the pedal spindle (A) and substantially parallel to this spindle, the rear hoop being articulated about a first hoop spindle (14) mounted in bearings (C2a) of the pedal body (C2a). Examiners note: pedal body C2a has holes for receiving spindle (14). These holes contain bearing surfaces.
- A front hoop (11) comprising an attachment bar (11a) situated in front of the pedal spindle and substantially parallel to this spindle, the front hoop being articulated about a second hoop spindle (14)
- Elastic means (R1,R2) urging the rear hoop (12) and the front hoop (11) toward a rest position, the attachment bars (11a,12a) being situated above the pedal body (C2) and being able to be moved apart, wherein the second hoop spindle (14) for the articulation of the front hoop is situated below the mid-plane of the pedal passing through the geometric axis (A) of the pedal (see fig 10).

Regarding claim 2, Lancelot discloses a similar device comprising:

- The cycle pedal as claimed in claim 1 wherein the inclination of the front face (10) relative to the mid-plane of the pedal is about 40° (see fig 10).

Regarding claim 3, Lancelot discloses a similar device comprising:

- The cycle pedal as claimed in claim 1 wherein the angular range for clicking in may reach 25°.

Regarding claim 4, Lancelot discloses a similar device comprising:

- The cycle pedal as claimed in claim 1 wherein sufficient material is retained around the bearings (C2) through which the second hoop spindle passes.

Regarding claim 6, Lancelot discloses a similar device comprising:

- The cycle pedal as claimed in claim 1, comprising, to the rear of the body, a kind of cap (17) provided for guiding the sole of a shoe fitted with a tunnel, wherein the rear hoop bears against the cap in the rest position (see fig 12).

Regarding claim 7, Lancelot discloses a similar device comprising:

- The cycle pedal as claimed in claim 1, wherein each front hoop (11) comprises at least one lateral stop (11b) provided in order to limit the freedom of transverse displacement of a cleat fixed under a shoe.

9. The recitation "...to allow the passage and attachment of a cleat fixed under the sole of a cycle shoe in a housing of the sole, at least one edge of which is limited by a projection, especially a stud, whose thickness is generally greater than that of the cleat..." in claim 1 has not been given patentable weight (see MPEP 2115).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lancelot in view of Chen. Lancelot is discussed above.

Regarding claim 5, Lancelot fails to disclose the pedal in claim 1, wherein said cycle pedal is equipped with hoops and attachment means on each of two faces, and wherein the front hoop of one face is integral with the rear hoop of the other face, the two hoops forming a substantially rectangular frame.

Chen teaches a pedal wherein said cycle pedal is equipped with hoops (51a,51b) and attachment means (53a,53b,54a,54b) on each of two faces, and wherein the front hoop (53a) of one face is integral with the rear hoop (54a) of the other face (12), the two hoops forming a substantially rectangular frame (51a,51b) to provide a bicycle pedal assembly which includes a relatively small number of components and which is easy to assemble (C2,L61-63).

It would have been obvious to one having ordinary skill in the art at the time of the invention to have equipped the device disclosed by Lancelot with hoops and attachment means on each of two faces, wherein the front hoop of one face is integral

with the rear hoop of the other face, the two hoops forming a substantially rectangular frame, taught by Chen, to provide a bicycle pedal assembly which includes a relatively small number of components and which is easy to assemble.

11. Claims 8,9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lancelot view of Byrne US 2002/0066337.

Regarding claim 8, Lancelot fails to disclose each front hoop comprising at least one lug projecting to the inside of the hoop from a leg which is substantially orthogonal to the bar.

Byrne teaches a the cycle pedal as claimed in claim 1, wherein each front hoop (24a,24a') comprises at least one lug (50a') [see Fig 4- first coil projecting from leg is a lug] projecting to the inside of the hoop from a leg (32a,32a') which is substantially orthogonal to the bar to releasably secure a cleat attached to a rider's shoe in substantially all riding conditions (Paragraph [0010]).

It would have been obvious to one having ordinary skill in the art at the time of the invention to have equipped the device disclosed by Lancelot with a lug projecting to the inside of the hoop from a leg which is substantially orthogonal to the bar, as taught by Byrne to releasably secure a cleat attached to a rider's shoe in substantially all riding conditions.

Regarding claim 9, Lancelot discloses each leg of a hoop comprising "a" lug.



***Allowable Subject Matter***

Claims 10, 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terence Boes whose telephone number is (571) 272-4898. The examiner can normally be reached on Monday - Friday 9:00 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



RICHARD RIDLEY  
SUPERVISORY PATENT EXAMINER